

1 JUDGE CHACHKIN: Any objection?

2 MR. HARDMAN: No, Your Honor. I looked through it.  
3 It appears to be a complete copy. I assume it is and I have  
4 no objection to it.

5 JUDGE CHACHKIN: All right. Private Radio Bureau  
6 Exhibit 11 is received.

7 (The document previously marked for  
8 identification as PRB Exhibit No. 11  
9 was received into evidence.)

10 MS. LADEN: Private Radio Bureau Exhibit No. 12 is a  
11 Notice of Apparent Liability.

12 JUDGE CHACHKIN: And what is that being used for,  
13 what purpose?

14 MS. LADEN: Also for the truth of the matter.

15 JUDGE CHACHKIN: The truth of the matter, the  
16 Bureau's Notice of Apparent Liability?

17 MS. LADEN: Your Honor, the Bureau's Notice of  
18 Apparent Liability is to be resolved in this case. It's one  
19 of the issues in this case.

20 JUDGE CHACHKIN: I understand that, but you've made  
21 -- I mean, the purpose of the hearing is to, is to determine  
22 these things. How could the Bureau's allegations be submitted  
23 for the truth of the matter?

24 MS. LADEN: Well, Your Honor, they're part of the  
25 Bureau's case.

1 JUDGE CHACHKIN: I understand that, but the Bureau  
2 -- the Bureau's case is the evidence introduced at this  
3 hearing, not its allegations before the hearing. I don't  
4 understand what you mean. Any objection to 12?

5 MR. HARDMAN: Well, with the understanding that the  
6 purpose of the, of the proffer is to establish the fact that  
7 there was such a notice issued and that the notice says what  
8 it says.

9 JUDGE CHACHKIN: For that purpose I'll receive it  
10 and only for that purpose.

11 (The document previously marked for  
12 identification as PRB Exhibit No. 12  
13 was received into evidence.)

14 MS. LADEN: The response to that notice is Private  
15 Radio Bureau Exhibit No. 13 which I would also like to offer  
16 at this time.

17 JUDGE CHACHKIN: All right.

18 MR. HARDMAN: No objection.

19 JUDGE CHACHKIN: All right. 13 is received. Bureau  
20 Exhibit 13 is received

21 (The document previously marked for  
22 identification as PRB Exhibit No. 13  
23 was received into evidence.)

24 JUDGE CHACHKIN: Anything else?

25 MS. LADEN: Your Honor, Exhibit No. 14 is a response

1 to the Bureau's Request for Production of Documents. I'm  
2 sorry. It's the Bureau's Request for Production of Documents.

3 JUDGE CHACHKIN: Yeah. What's the relevance of  
4 that?

5 MS. LADEN: At this point there appears to be none.  
6 I would like to reserve the opportunity to introduce it during  
7 the cross-examination perhaps.

8 JUDGE CHACHKIN: All right. All right, if that's  
9 appropriate.

10 MS. LADEN: And the response to the document  
11 request. It's in the same category which is a part of Radio  
12 Bureau Exhibit No. 15.

13 MR. HARDMAN: Your Honor, for clarification, this is  
14 not the response to the document production request. This is  
15 a memorandum which was sent with the response, you know,  
16 explaining certain things and making certain notations. I  
17 certainly have no problem with, with the document as such, but  
18 I don't want to leave any implication that it constituted the  
19 response to the document production request.

20 MS. LADEN: Mr. Hardman is absolutely right, Your  
21 Honor. I misspoke. This is just the cover letter. There was  
22 a, there was a response in the form of documents.

23 JUDGE CHACHKIN: Well, you're not offering 14 and 15  
24 at this time? Is that right? You're reserving a ruling on  
25 that?

1 MS. LADEN: That's right or I could offer them at  
2 this time.

3 JUDGE CHACHKIN: Well, how is it relevant, the  
4 Request for Production of Documents?

5 MS. LADEN: It's relevant. There were some -- there  
6 is an exhibit in Capitol's exhibits that deals with the  
7 contract -- sales agreements, pager agreements, and I had some  
8 questions to ask of Mr. Raymond and perhaps others about the  
9 pager agreements.

10 JUDGE CHACHKIN: Well, what does it have to do with  
11 your Motion for Production of Documents? How is that  
12 relevant? That's discovery. How is that relevant to this  
13 proceeding?

14 MS. LADEN: Your Honor, because the questions that  
15 I'm asking are based on the supposition that all of the pager  
16 agreements that are in existence have been produced.

17 JUDGE CHACHKIN: Well, are you saying they're not --  
18 haven't been produced?

19 MS. LADEN: No, no. This -- actually this suggests  
20 that they have been because there was a request for them and  
21 there was a response.

22 MR. HARDMAN: Ms. Laden, are you -- is it your claim  
23 that there were PCP documents not produced?

24 MS. LADEN: No. My claim is the reverse. I wanted  
25 to show for purposes of the record that all the pager

1 | agreements that are in existence have been produced.

2 | JUDGE CHACHKIN: Well, was there anything in this  
3 | response which indicates whether all were or were not  
4 | produced?

5 | MS. LADEN: It suggests that they were all produced,  
6 | Your Honor.

7 | JUDGE CHACHKIN: Well, apparently you can get a  
8 | stipulation they were all produced or you could ask --

9 | MS. LADEN: That's fine.

10 | JUDGE CHACHKIN: -- the witness that question.

11 | MS. LADEN: That's, that's fine.

12 | JUDGE CHACHKIN: And I see no purpose for receiving  
13 | Exhibits 14 and 15 which were discovery documents and Bureau  
14 | Exhibits 14 and 15 are rejected.

15 | (The documents previously marked for  
16 | identification as PRB Exhibits No. 14  
17 | and 15 were rejected.)

18 | JUDGE CHACHKIN: Anything else you want to offer?

19 | MS. LADEN: I don't believe -- yes, Your Honor,  
20 | there is one. I wanted to offer one of the -- there -- the  
21 | Declaration of Private Radio Bureau Exhibit No. 9. I wanted  
22 | to offer that for -- not for the truth of the matters therein.  
23 | Mr. Blatt has testified.

24 | JUDGE CHACHKIN: 9? Yes. For what purposes do you  
25 | want to offer that?

1 MS. LADEN: For the purpose of showing that a  
2 complaint was received by the Commission on this date.

3 JUDGE CHACHKIN: This doesn't indicate a complaint,  
4 does it?

5 MS. LADEN: No, it doesn't by itself, Your Honor.  
6 It was received by the Commission.

7 MR. HARDMAN: Your Honor, if the, if the Bureau is  
8 testifying that the -- that it received a complaint, then I  
9 would like the further information -- fact reflected on the  
10 record that the complaint was never sent to Capitol or any  
11 representative of Capitol.

12 MS. LADEN: I don't believe there is a requirement  
13 for a complaint to be sent.

14 JUDGE CHACHKIN: Well, it's just the fact that it  
15 wasn't sent to Capitol, for what it's worth.

16 MS. LADEN: Well, that's fine. I don't know whether  
17 it was or not. I wanted to point out there is no such  
18 requirement in the Commission's rules.

19 MR. HARDMAN: Well, that begs an issue which we can  
20 talk about. I don't know that that's appropriate here, but  
21 the -- I'm perfectly willing to stipulate if the Bureau so  
22 represents that this declaration was filed, received,  
23 analyzed, whatever it was, at the Commission as long as the  
24 stipulation contains the further fact that it was never sent  
25 to Capitol or any representative of Capitol.

1 MS. LADEN: I can't stipulate to that because there  
2 was --

3 MR. HARDMAN: Okay. Then I object to, to having  
4 this declaration in.

5 MS. LADEN: Mr. Hardman -- Your Honor, it was sent  
6 to Capitol, not at the time. It was sent to Capitol in  
7 connection with discovery in this case. At least that's my  
8 understanding.

9 MR. HARDMAN: I --

10 MS. LADEN: So I can't stipulate --

11 MR. HARDMAN: I apologize.

12 MS. LADEN: So I can't stipulate it was never sent  
13 to Capitol because I know that it was sent to Capitol, Your  
14 Honor.

15 MR. HARDMAN: I will -- I misspoke. I apologize. I  
16 will accept the correction that it was never sent to Capitol  
17 until the discovery in connection with this case.

18 JUDGE CHACHKIN: With that understanding, it will  
19 just be received for the purpose of the complaint. This is  
20 part of a complaint that was filed with the Commission, for  
21 that limited purpose. Do you have any objection to that?

22 MR. HARDMAN: No objection, Your Honor.

23 JUDGE CHACHKIN: All right. Radio -- Private Radio  
24 Bureau Exhibit 9 is received for the limited purpose  
25 indicated.

1 (The document previously marked for  
2 identification as PRB Exhibit No. 9  
3 was received into evidence.)

4 JUDGE CHACHKIN: Anything else?

5 MS. LADEN: No, Your Honor. We reserve the right  
6 with Your Honor's permission later on to call perhaps a  
7 rebuttal witness perhaps to -- but I'll take that up at the  
8 appropriate time.

9 JUDGE CHACHKIN: All right. So I could -- so as far  
10 as Exhibit 1, that's not being offered? Correct?

11 MS. LADEN: No, Your Honor.

12 JUDGE CHACHKIN: All right. The record will reflect  
13 that Private Radio Exhibit 1 which was identified is not  
14 offered. Similarly, Exhibit 2 which was identified is not  
15 being offered. Similarly, Exhibit 4 which was identified is  
16 not being offered.

17 MR. JOYCE: I believe it was offered earlier, Your  
18 Honor. You ruled that it was inadmissible.

19 MS. LADEN: Exhibit -- are you speaking of Exhibit  
20 2?

21 MR. JOYCE: No. Exhibit 4.

22 MS. LADEN: Exhibit 2 was offered. My records show  
23 Exhibit 2 was offered and rejected on February 1st, and --

24 JUDGE CHACHKIN: Oh, yes. I'm sorry. Exhibit 2 was  
25 rejected.



1 MS. LADEN: And Exhibit 4 was similarly rejected.

2 JUDGE CHACHKIN: I don't think Exhibit 4 -- there  
3 was a ruling on Exhibit 4.

4 MR. HARDMAN: I believe there was, Your Honor.

5 JUDGE CHACHKIN: Exhibit 4 was rejected also? All  
6 right.

7 MR. HARDMAN: Yes.

8 JUDGE CHACHKIN: All right. The record will reflect  
9 that Exhibit 4 has been rejected. As far as 6, 6 has been  
10 received for limited -- was 6 -- what did we do with 6, with  
11 6?

12 MS. LADEN: I don't believe it was offered.

13 JUDGE CHACHKIN: 6 was not offered. It's not being  
14 offered?

15 MS. LADEN: No, Your Honor.

16 JUDGE CHACHKIN: All right. 6 is not offered.  
17 Similarly, 7 has not been offered.

18 MS. LADEN: Yeah. I'd like to offer Exhibit 7. I  
19 did not offer Exhibit 6, Your Honor, because I believe you  
20 made a ruling at the time I first offered it that -- that  
21 wasn't Exhibit 6. The first of these declarations I offered  
22 you made a ruling that because the witness was here that you  
23 would prefer to take the witness' testimony.

24 JUDGE CHACHKIN: Well, that's the proper way if the  
25 witness --

1 MS. LADEN: That's correct. And Mr. Collier was not  
2 a witness.

3 JUDGE CHACHKIN: That's correct.

4 MS. LADEN: So this is a declaration under penalty  
5 of perjury.

6 JUDGE CHACHKIN: Well --

7 MR. HARDMAN: I object, Your Honor.

8 MS. LADEN: He wasn't called for cross-examination,  
9 Your Honor.

10 JUDGE CHACHKIN: He wasn't listed on your witness  
11 list. How could I notice him for cross-examination when he  
12 wasn't listed as one of your witnesses?

13 MS. LADEN: Your Honor, he was not listed as a  
14 witness for oral examination. This is his written testimony.

15 MR. HARDMAN: Your Honor, this is amazing. I have a  
16 letter from counsel saying who their witnesses were.

17 MS. LADEN: Your Honor, your order prior to -- your  
18 order -- your procedural order in this case provided that we  
19 could have written direct testimony and we needed to identify  
20 testimony -- witnesses who would testify at the hearing.

21 JUDGE CHACHKIN: But this is not written direct  
22 testimony. This statement was taken in 1990. Written direct  
23 testimony means that testimony was prepared for the purpose of  
24 the hearing.

25 MS. LADEN: Fine, Your Honor. Then I -- we don't

1 even need to offer this exhibit. We won't offer it.

2 JUDGE CHACHKIN: All right.

3 MS. LADEN: We're withdrawing.

4 JUDGE CHACHKIN: Bureau Exhibit 7 is not offered.

5 And that takes care of the Bureau exhibits, I believe. All  
6 right, Mr. Hardman.

7 MR. HARDMAN: Capitol calls as its first witness Mr.  
8 Billy C. McCallister. Your Honor, there are a couple of  
9 preliminary matters associated with this witness.

10 JUDGE CHACHKIN: Go ahead.

11 MR. HARDMAN: Should we take them up out of the  
12 presence of the witness?

13 JUDGE CHACHKIN: If you feel it's necessary. I  
14 don't know the wishes of the parties. Go ahead. If you wish  
15 you can go ahead.

16 MR. HARDMAN: We'll keep him out and -- while I  
17 introduce it.

18 JUDGE CHACHKIN: All right.

19 MR. HARDMAN: Number one, I'm advised that the  
20 witness has a letter for you regarding his medical condition  
21 which I, you know, would propose to have him give to you.

22 JUDGE CHACHKIN: For what purpose?

23 MR. HARDMAN: To establish, yeah, a medical  
24 condition relevant to stress and testimony for your  
25 edification. Secondly, the witness' testimony is extremely

1 narrow and, in light of the fact that the Bureau indicated  
2 that it viewed the Capitol employees and agents and so forth  
3 as their witnesses, I would ask for an instruction in limine  
4 that their cross-examination be carefully confined to the  
5 direct examination.

6 JUDGE CHACHKIN: What does the Bureau have to say?

7 MS. LADEN: Your Honor, I'm sorry. I'm not  
8 following this. Mr. Hardman, could you repeat that, please?

9 MR. HARDMAN: I'm asking for an instruction in  
10 limine that the, that the other party be instructed to  
11 carefully confine their cross-examination to the very narrow  
12 direct testimony of this witness.

13 MS. LADEN: I think the rules require that anyway.  
14 Yes, Your Honor, I have no problem with that.

15 JUDGE CHACHKIN: All right. Bring in the witness,  
16 please.

17 Whereupon,

18 BILLY C. McCALLISTER  
19 was called as a witness and, after having first been duly  
20 sworn, was examined and testified as follows:

21 JUDGE CHACHKIN: I don't know if you said I do, but  
22 would you say I do again? I don't --

23 MR. McCALLISTER: I do.

24 JUDGE CHACHKIN: Fine. I don't think the reporter  
25 was able to hear it the first time. Would you state your name

1 and address for the record, please?

2 MR. McCALLISTER: It's Bill McCallister, 207 Taylor  
3 Drive, Harrington, West Virginia.

4 JUDGE CHACHKIN: All right. Go ahead, Mr. Hardman.

5 DIRECT EXAMINATION

6 BY MR. HARDMAN:

7 Q Mr. McCallister, do you have a letter for the judge?

8 A Yes.

9 Q Would you please give it to him?

10 JUDGE CHACHKIN: Thank you. All the parties have  
11 seen it too, I assume?

12 MR. HARDMAN: Yes.

13 JUDGE CHACHKIN: Well, I would just urge the parties  
14 if at all possible to try to be as easy as you can in your  
15 questioning. I'm not going to preclude any questions but, by  
16 the same token, the letter indicates that the witness is  
17 suffering from stress and anxiety and I could only hope that  
18 you try to keep that in mind when you ask questions.

19 MR. JOYCE: Which we routinely do.

20 MS. LADEN: Your Honor --

21 JUDGE CHACHKIN: Well --

22 MS. LADEN: -- we have not seen a copy of the  
23 letter.

24 JUDGE CHACHKIN: Well, I'll be glad to show the copy  
25 of the letter.

1 MS. LADEN: Sure.

2 MR. HARDMAN: Just for the sake of the record, Your  
3 Honor, that -- I don't believe that's a copy of it. That is  
4 the --

5 JUDGE CHACHKIN: Oh, that's the letter. I mean,  
6 I'll be glad to show the letter.

7 MS. LADEN: Yeah. I just wanted to indicate we had  
8 not seen a copy of it.

9 JUDGE CHACHKIN: Well, there's the letter. I just  
10 saw it for the first time and you're certainly free to look at  
11 it. Mr. Joyce is too.

12 MS. LADEN: Thank you, Your Honor.

13 JUDGE CHACHKIN: Yes. Go ahead, Mr. Hardman.

14 MR. HARDMAN: Thank you, Your Honor.

15 BY MR. HARDMAN:

16 Q Mr. McCallister, would you please open that document  
17 in front of you with the white cover and look behind Tab 23?  
18 And do you see there a document with the notation Exhibit CAP  
19 21 --

20 A Yes.

21 Q -- that says Declaration of Billy C. McCallister?

22 A Yes.

23 Q All right. Would you review that document please  
24 and tell the, the Court whether this is your direct testimony,  
25 prepared direct testimony?

1           MR. JOYCE: For clarification, Your Honor, the  
2 document says Declaration, not to be persnickety about this,  
3 but as opposed to direct testimony. Mr. Hardman has made  
4 distinctions in his exhibits so I just wanted the record to --

5           MR. HARDMAN: Mr. Joyce is absolutely correct. The  
6 document says Declaration of Billy C. McCallister, but because  
7 the witness was noted for cross-examination it now has to  
8 become his direct testimony.

9           MR. MCCALLISTER: Yes, this is mine.

10          JUDGE CHACHKIN: All right. Do you have any further  
11 questions?

12          BY MR. HARDMAN:

13          Q     And is it true and correct?

14          A     Yes.

15          Q     Do you have any additions or corrections?

16          A     No.

17          Q     I have one supplemental question, a very technical  
18 one. Mr. McCallister, do you know, for digital modulation at  
19 which deviation do you set Capitol bay station transmitters?

20          A     4.5

21          Q     4.5?

22          A     Yes.

23          Q     Okay.

24          MR. HARDMAN: With that, Your Honor, I would move  
25 the admission of Exhibit CAP 21 and pass the witness.

1 JUDGE CHACHKIN: Anybody have objection to the  
2 exhibit?

3 MS. LADEN: No objection.

4 JUDGE CHACHKIN: All right. Capitol Exhibit 21 is  
5 received and the witness is available for cross-examination.

6 (The document previously marked for  
7 identification as CAP Exhibit No. 21  
8 was received into evidence.)

9 JUDGE CHACHKIN: Mr. Joyce?

10 CROSS-EXAMINATION

11 BY MR. JOYCE:

12 Q Good morning, Mr. McCallister. My name is Frederick  
13 Joyce. I'm an attorney for RAM Technologies, Inc. Are you  
14 okay this morning?

15 JUDGE CHACHKIN: You'll have to speak up, sir.  
16 Either yes or no.

17 MR. McCALLISTER: Yes. Yes.

18 BY MR. JOYCE:

19 Q Mr. McCallister, you know who RAM Technologies is, I  
20 presume?

21 A Yes.

22 Q You actually also provide some services to their  
23 facilities, do you not?

24 A Yes. Do you mean to RAM Page?

25 Q Yes, sir.



1 A Yes.

2 Q You don't have any particular problem with RAM  
3 Page's operations, do you?

4 A None at all. How do you mean that statement?

5 JUDGE CHACHKIN: I thought we were dealing with the  
6 exhibit. The exhibit said nothing about RAM Page.

7 MR. JOYCE: I'll withdraw the question, Your Honor.

8 JUDGE CHACHKIN: All right.

9 BY MR. JOYCE:

10 Q Mr. McCallister, it says in your testimony that you  
11 personally installed and maintained Capitol Paging's private  
12 carrier paging system on 152.48 at Charleston and Huntington  
13 with a Realm transmitter. Is that correct?

14 A A Realm transmitter?

15 Q Well, it says Realm Communications -- I'm sorry,  
16 transceiver.

17 A That's, that's correct.

18 Q Okay. Now, that's not a monitoring device, is that?

19 A That is the Realm -- that's the receiver portion of  
20 the radio that's used which is FCC type accepted. That radio  
21 was used as Capitol's monitoring receiver at the Charleston  
22 office.

23 Q Okay. But you're answering a different question.  
24 I'm -- I want to focus on when you first installed Capitol's  
25 bay stations which is referred to in your declaration.

1           A     I don't remember the date, but it was before they --  
2 PCP ever went on the air.

3           Q     You installed their -- again, you're not answering  
4 my question.

5           A     I'm telling you -- I'm just telling you --

6           Q     Sure.

7           A     I'm telling you that the monitor receiver was  
8 installed first before the transmitters were ever enabled.  
9 What else can I say?

10           JUDGE CHACHKIN: All right. There's no need to get  
11 excited about this. Go ahead.

12           BY MR. JOYCE:

13           Q     Yeah. I -- believe me, I'm just trying to  
14 understand dates and when things were --

15           A     I don't know the date, sir. If I did I'd tell you.  
16 I don't remember it.

17           Q     All right then. Okay.

18           JUDGE CHACHKIN: Let's continue.

19           BY MR. JOYCE:

20           Q     No one's -- I'm certainly not accusing you of  
21 anything, Mr. McCallister.

22           A     I understand that, but I can't tell you something I  
23 don't know.

24           Q     Okay. Well, let's --

25           A     And I can't let you lead me into something I don't

1 know either, can I?

2 Q Okay.

3 MR. HARDMAN: Mr. McCallister, I think it would be  
4 appropriate to just let Mr. Joyce ask you questions and he's  
5 not accusing you of anything.

6 MR. MCCALLISTER: I understand that.

7 MR. HARDMAN: Just answer the questions he asks.  
8 Okay?

9 BY MR. JOYCE:

10 Q I'm trying to go back to the beginning, and I  
11 understand it's been several years, Mr. McCallister, so  
12 everybody has difficulty remembering dates three or four years  
13 ago, so I -- so I'll take this one step at a time. You're the  
14 person that installed Capitol's paging equipment, the private  
15 carrier paging equipment? Is that correct?

16 A That's true.

17 Q Okay. And to -- assume that most of us here don't  
18 really know too much about what you did and how you installed  
19 a private carrier paging station, so that's really what I'm  
20 trying to find out right now. When you first installed their  
21 system it's my understanding that there's a piece of equipment  
22 called a bay station transmitter. Did you install the bay  
23 station transmitter?

24 MR. MCCALLISTER: Do I have to answer that, Ken?

25 MR. HARDMAN: Yes, Mr. McCallister. It's --

1           MR. McCALLISTER: But you told me I only had to  
2 answer -- I only had to talk about what was in here.

3           MR. HARDMAN: What I, what I said was that they  
4 should only ask you about what you said in there. And these  
5 are very easy questions. You just --

6           MR. McCALLISTER: Okay. Okay. That's fine. Yes, I  
7 did.

8           BY MR. JOYCE:

9           Q     Okay. So you installed the bay station transmitter  
10 in Charleston and one in Huntington? Is that correct?

11          A     That's correct.

12          Q     Okay. Now, their station wouldn't work with, with  
13 just that equipment? Correct? There's more to it than just  
14 installing bay station transmitters. Isn't that right?

15          A     I don't understand your question.

16          Q     When you installed that equipment Capitol couldn't  
17 go on the air providing service with just those two pieces of  
18 equipment that I'm referring to alone, could they?

19          A     No, they could not.

20          Q     Okay. So you also installed what's referred to --  
21 and you can correct me on my terminology if I'm mistaken, but  
22 you also had to install a control link?

23          A     That's correct.

24          Q     Okay. Over what period of time did that process  
25 occur? Was it the same day?

1           A     It was not the same day and I don't remember the  
2 period of time.

3           Q     Okay. Was it quite awhile after the bay stations  
4 were installed that you subsequently installed the control  
5 link? Do you recall?

6           A     The whole process was done basically at the same  
7 time because the Huntington transmitter couldn't operate  
8 unless it had -- unless it heard information from Charleston.

9           Q     Okay. Fair enough. Was this in -- just to try to  
10 help us -- to help you remember some dates, is it possible  
11 that this all occurred in -- do you have trouble hearing, too,  
12 Mr. McCallister? I'm sorry.

13          A     Yes, I do.

14          Q     I'm sorry. I'll try to speak up. Was this  
15 approximately in March of 1991? Do you recall?

16          A     I don't know. I don't know.

17          Q     You don't recall if it was in November of 1990?

18          A     No, I don't.

19          Q     Did you test the system after you installed it?

20          A     Yes, I did.

21          Q     For approximately did you test this system?

22          A     Intermittently -- and there again this is just a  
23 guess on my part, but intermittently, like any technician  
24 would, you have to know if the system's working, don't you?  
25 Maybe a day or so intermittently, but everything -- even

1 whenever those tests were made, everything had to be processed  
2 through the terminal. In other words, a -- there was a phone  
3 number that had to be dialed into the terminal. The terminal  
4 processed the call or the terminal processed the page. Then  
5 the page was processed through the system by the terminal's  
6 control because this system would not work without the  
7 terminal being connected to it.

8 Q So it wouldn't have been just your responsibility  
9 for testing this system, in other words?

10 A Not -- my responsibility was to put the transmitters  
11 on the air in accordance with the FCC license, the power, the  
12 antenna height, the ERP, the deviation, this type of thing,  
13 which any technician would be responsible for. And also the  
14 testing on my part was to set levels. You have to set levels  
15 on a system. How are you going to know what it's doing if you  
16 don't set levels on it? See? So you've got to have test  
17 pages, a 1,000 -- tone that I used, to set the deviation to  
18 the transmitters and then you -- only the Charleston  
19 transmitter was capable of digital pages. The Huntington  
20 transmitter was only analog paging. And so there the digital  
21 -- or the FSK of the transmitter had to be set, so there had  
22 to be some testing done, see?

23 Q I understand. Was that testing -- excuse me if the  
24 question sounds ridiculous to you as an engineer, but was that  
25 testing 24 hours a day?

1           A     Oh, no, not for me. But now -- may I add something  
2 else?

3           Q     Please.

4                     JUDGE CHACHKIN: Go ahead.

5                     MR. MCCALLISTER: I mean, the -- I was strictly  
6 technical. I was interested in the performance of the systems  
7 so far as the legality of the FCC was concerned because I knew  
8 that fellow right there, see, and I mean I didn't want him to  
9 come down on me. You see what I'm saying?

10                    BY MR. JOYCE:

11           Q     And you're pointing to the FCC field engineer, I  
12 believe?

13           A     Right. See? So I've seen him around before. And  
14 so my responsibility was to see that everything was working as  
15 near possible as it could legally, see. I wanted to be sure  
16 the transmitters were on frequency, the power output was  
17 right, the antenna gain was right, the proper transmission  
18 line, that the antennas were -- that the -- that they were  
19 oriented properly and that the deviation was proper, see?  
20 And, of course, the levels had to be set right because if  
21 someone buys a pager they want to hear the -- they want to be  
22 able to hear the, to hear the page because that's the idea of  
23 the pager to start with, see? So I tested for that purpose.  
24 However, someone else, a salesman, for instance, might want to  
25 test to see what kind of range it had, see, see how far it

1 would go. If they had a customer that wanted paging in a  
2 certain part of the area, well, they wanted to know if, in  
3 fact, that the page would reach that area, see? So they had  
4 to drive around and listen to it. They didn't know where --  
5 even though you can get these computer printouts of something  
6 that looks like a -- like this ink blot, see, that these  
7 engineers do, you still need to go around to these areas to  
8 see if you have paging signals there before you can tell a man  
9 that you're installing a pager that covers certain areas, see?  
10 But my, but my paging -- but my testing was strictly from a  
11 technical standpoint and that's all.

12 Q And that type -- the other type of testing you're  
13 talking about, the coverage testing, you said that your  
14 testing certainly wouldn't be 24 hours a day. Would coverage  
15 testing be 24 hours a day?

16 MR. HARDMAN: Your Honor, I'm going to --

17 JUDGE CHACHKIN: I'll sustain the objection. Let's  
18 hear what he did.

19 BY MR. JOYCE:

20 Q This will probably also seem like a real stupid  
21 question to you, Mr. McCallister, but humor me. When you were  
22 doing that test, as part of the test would you put a, a series  
23 of tone sequences out over the air for say 24 hours a day to  
24 test how the station was working?

25 A Would I? I'm sorry. Would I do that?



1 Q Is that what you did as part of your job?

2 A Oh, no, no, no. I have a cellular telephone and I  
3 go to the transmitter site. For instance, the, the control  
4 point, the UHF control point or the UHF -- the main UHF  
5 transmitter that goes to those sites, see, I dial up the test  
6 number as it goes through the computer and I set the level  
7 there, see. That's only, what, just a couple of -- just a  
8 minute. I set that level and then I go to the other site and  
9 I do the same thing and then I set the level there, and then I  
10 go to the other site and I do the same thing and I set the  
11 level there. And then I might dial it into it and say hello,  
12 test 1, 2, 3, 4, 5. This is Capitol Paging, WXHA or whatever  
13 they're calling it, see, testing 1, 2, 3, 4, 5, and then  
14 listen to it because every technician wants to listen if he's  
15 worth his salt, see?

16 Q So a test page -- and I presume you're a technician  
17 worth his salt, Mr. McCallister.

18 A I don't know.

19 Q Well, I think you are. I presume -- and, again,  
20 these are going to sound like stupid questions to you, but I  
21 presume a test page is not an actual customer's page?

22 A No, no, no, no. No, they -- when I -- I have pagers  
23 -- I have asked Capitol to give me pagers that I carry that I  
24 use strictly for testing purposes. I have one right here if  
25 you want to see it.